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Attorneys for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

KIVALINA RELOCATION PLANNING)
COMMITTEE,)
Plaintiff,)
v.) Case No. A02-231 CV (JWS)
TECK COMINCO ALASKA)
INCORPORATED,)
Defendant.)

DEFENDANT'S ANSWERS TO FIFTH SET OF REQUESTS FOR ADMISSIONS

The Defendant, by and through counsel, submit their answers to Plaintiff's Fifth Set of Request for Admissions as follows:

REQUEST FOR ADMISSION NO. 76

Admit that the document attached hereto as Exhibit 76 is a true and correct copy of an e-mail from Jim Kulas, Teck Cominco, to Robert Grandinetti and Phyllis Weber-

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Scannell, re TDS exceedence at Station 7S [on July 27, 1999], July 28, 1999. TC 001625 RD.

RESPONSE: Admitted; however, the email reporting the apparent violation was supplemented by the revised DMR dated March 1, 2003 bates numbers TC 011194-11199 RD, previously provided in defendant's first supplemental disclosures.

REQUEST FOR ADMISSION NO. 77

Admit that the document attached hereto as Exhibit 77 is a true and correct copy of a letter from Mark Thompson, Teck Cominco, to Randall Smith, EPA, re NPDES Permit # AK-003865 Outfall 001 and cyanide exceedance on July 22 and 30, August 13, 2001. TC 001667 RD.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 78

Admit that the document attached hereto as Exhibit 78 is a true and correct copy of a letter from Mark Thompson, Teck Cominco, to Randall Smith, EPA, re NPDES Permit #AK-004064-9 [and the 5/9/02 pipeline leak and effluent on tundra with attached Oil & Hazardous Substances Spill Report], May 9, 2002. TC 001841-1848 RD.

RESPONSE: Admitted.

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REQUEST FOR ADMISSION NO. 79

Admit that the document attached hereto as Exhibit 79 is a true and correct copy of a letter from Mark Thompson, Teck Cominco, to Randall Smith, EPA, re NPDES Permit #AK-004064-9 [and the absent analytical result for fecal coliform], May 10, 2002. TC 001850 RD.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 80

Admit that the document attached hereto as Exhibit 80 is a true and correct copy of a letter from Mark Thompson, Teck Cominco, to Randall Smith, EPA, re NPDES Permit #AK-004064-9 [and the 5/10/02 runoff of untreated water to tundra because of overflow of retention ponds with attached Oil & Hazardous Substances Spill Report], May 10, 2002. TC001851-1858 RD.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 81

Admit that the document attached hereto as Exhibit 81 is a true and correct copy of a fax from John Martinisko, Teck Cominco, to Joe Roberto, re UV system problems and

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fecal coliform exceedence [with attached Northern Testing lab fax to Ed Grant, Teck Cominco, re fecal count exceedence], June 29, 1999. TC 001936-1938 RD.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 82

Admit that the document attached hereto as Exhibit 82 is a true and correct copy of a fax transmittal sheet from John Martinisko, Teck Cominco, to Joe Roberto, EPA, re UV system malfunction [and the 6/24 fecal colioform exceedence], June 29, 1999. TC 003980 RD.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 83

Admit that the document attached hereto as Exhibit 83 is a true and correct copy of NPDES Permit #AK-003865-2 (Mine Site), Discharge Monitoring Report, June 2002, dated July 15, 2002. TC 001399-1451 RD.

RESPONSE: Admitted.

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REQUEST FOR ADMISSION NO. 84

Admit that the document attached hereto as Exhibit 84 is a true and correct copy of NPDES Permit #AK-003865-2 (Mine Site), Discharge Monitoring Report, July 2002, dated August 14, 2002. 003625-003674.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 85

Admit that the document attached hereto as Exhibit 85 is a true and correct copy of NPDES Permit #AK-003865-2 (Mine Site), Discharge Monitoring Report, August 2002, dated September 16, 2002. 003675-003723.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 86

Admit that the document attached hereto as Exhibit 86 is a true and correct copy of NPDES Permit #AK-003865-2 (Mine Site), Discharge Monitoring Report, September 2002, dated October 14, 2002. TC 005747-5795 RD.

RESPONSE: Admitted.

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REQUEST FOR ADMISSION NO. 87

Admit that the document attached hereto as Exhibit 87 is a true and correct copy of NPDES Permit #AK-003865-2 (Mine Site), Discharge Monitoring Report, October 1-6, 2002, dated November 13, 2002. 003724-003774.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 88

Admit that the document attached hereto as Exhibit 88 is a true and correct copy of NPDES Permit #AK-004064-9 (Port Site), Discharge Monitoring Report, February 2000, dated March 10, 2000. 003775-003785.

RESPONSE: Admitted.

REQUEST FOR ADMISSION NO. 89

Admit that the document attached hereto as Exhibit 89 is a true and correct copy of NPDES Permit #AK-004064-9 (Port Site), Discharge Monitoring Report, March 2000, dated April 5, 2000. TC 005573-5584 RD.

RESPONSE: Admitted.

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